

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

2.333 ACRES OF LAND, MORE OR  
LESS, SITUATE IN STARR COUNTY,  
STATE OF TEXAS; AND MARTIN  
RICARDO GARZA, *ET AL.*,

*Defendants.*

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CASE NO. 7:20-CV-268

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**JOINT MOTION FOR ORDER ESTABLISHING JUST COMPENSATION, GRANTING  
POSSESSION, AND DISTRIBUTING FUNDS ON DEPOSIT IN THE REGISTRY OF  
THE COURT FOR TRACTS RGV-RGC-5061 AND RGV-RGC-5061-1**

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1. On September 11, 2020, the United States filed a Declaration of Taking for the condemnation of a fee simple interest in real property identified as Tracts RGV-RGC-5061 and RGV-RGC-5061-1.<sup>1</sup> On September 18, 2020, the United States deposited Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) into the Registry of the Court as estimated just compensation for Tracts RGV-RGC-5061 and RGV-RGC-5061-1.<sup>2</sup>

2. The Declaration of Taking and Complaint in Condemnation acquired a combined 2.333 acres in fee simple interest and identified Defendant San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza (“Defendant”) as the sole interest owner.<sup>3</sup>

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<sup>1</sup> Dkt. No. 2.

<sup>2</sup> Dkt. No. 5.

<sup>3</sup> Martin Ricardo Garza, Marissa Iris G. Lee, Jaime A. Garza, Aaron A. Garza, and Marco A. Garza were originally listed in Schedule “G” as also having an interest in the property. Upon appointment by the Probate Court as dependent administrator of her late husband’s estate, the United States moved to substitute San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza in place of the heirs of Martin Garza. (Dkt. Nos. 22 and 26) Ameida Salinas, Starr County Tax Assessor’s Office was dismissed from this action. (Dkt. No. 25)

3. Defendant does not seek revestment of the Subject Property, regardless of whether the United States no longer proceeds with constructing the border wall infrastructure and seeks to proceed with the sale of the subject property and finalizing the condemnation proceeding.

4. The parties have settled the amount of just compensation owed to Defendant in this matter.

5. The total amount in deposit in the Registry of the Court and agreed to as the settlement between the parties is Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00).<sup>4</sup>

6. The United States and Defendant now make this joint motion for an Order: (a) establishing Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) as the total just compensation for Tracts RGV-RGC-5061 and RGV-RGC-5061-1 (the “Subject Property”); (b) granting the United States immediate possession of Tracts RGV-RGC-5061 and RGV-RGC-5061-1; (c) disbursing the stipulated amount of just compensation, as directed below, from the funds on deposit in the Registry of the Court for the Subject Property; and (d) closing this case on the Court’s docket. As grounds for this motion, the parties jointly state:

- a. The United States and Defendant confirm and agree that the full and just compensation payable by the United States for the taking of Tracts RGV-RGC-5061 and RGV-RGC-5061-1 shall be the sum of Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00), plus any accrued interest, which sum is all inclusive and in full satisfaction of any claims of whatsoever nature by the Defendant against the United States for the institution and prosecution of the above-captioned action.

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<sup>4</sup> Dkt. No. 5.

- b. The parties respectfully request that judgment be entered against the United States in the amount of Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) for its condemnation of the stated interests or estates in the Subject Property, along with any accrued interest.
- c. The United States previously deposited Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) into the Registry of the Court. The United States and Defendant agree that upon deposit of said amount, title to the interest and estate as more fully described in the Complaint and to the extent set forth in the Declaration of Taking, vested in the name of the United States of America by operation of law as to Tracts RGV-RGC-5061 and RGV-RGC-5061-1.
- d. The parties agree that the United States shall be entitled to immediate possession of Tracts RGV-RGC-5061 and RGV-RGC-5061-1, and all persons in possession or control of the interests taken in this property should be ordered by the Court to surrender possession of the same to the United States.
- e. The total sum of Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) currently on deposit with the Registry of the Court, with accrued interest, shall be subject to all real estate taxes, liens, encumbrances, and charges of whatsoever nature existing against the interests in the property taken in this proceeding at the time of vesting of title in the United States, and all such real estate taxes, liens, encumbrances, and charges of whatsoever nature shall be payable and deductible from this sum.
- f. Upon the Court's Order entering judgment in accord with this stipulation of just compensation for the Subject Property, the parties seek immediate disbursement of

Twenty-Seven Thousand One Hundred Fifteen Dollars and 00/100 (\$27,115.00) on deposit in the Registry of the Court, together with any accrued interest earned thereon from the initial deposit date of September 18, 2020,<sup>5</sup> made payable to the order of: "San Juanita J. Garza, Dependent Administrator of the Estate of Martin Corona Garza."

- g. Defendant warrants that she is the sole owner of the Subject Property; that she has the exclusive right to the compensation herein, excepting unpaid taxes and assessments, if any; and that no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.
- h. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interest in the property taken in this proceeding, Defendant shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendant, to the date of repayment into the Registry of the Court.
- i. The parties shall be responsible for their own legal fees, costs, and expenses, including attorney fees, consultant fees, and any other expenses or costs.
- j. There being no outstanding taxes or assessments due or owing, Defendant is responsible for the payment of any additional taxes or assessments which they otherwise owe on the interest in the property taken in this proceeding on the date of taking.
- k. The parties shall take no appeal from any rulings or judgments made by the Court in this action, and the parties consent to the entry of all motions, orders, and judgments

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<sup>5</sup> Dkt. No. 5


necessary to effectuate this stipulated judgment.

- l. Defendant shall save and hold harmless the United States from all claims or liability resulting from any unrecorded leases or agreements affecting the interests in the property taken in this proceeding on the date of taking.
- m. This joint stipulation and motion is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendant.
- n. The parties request that the Court enter an order closing this case on the Court's docket.

Respectfully submitted,

**FOR DEFENDANT:**

**JENNIFER B. LOWERY**  
Acting United States Attorney  
Southern District of Texas

By:   
**San Juanita J. Garza**  
Dependent Administrator of the  
Estate of Martin Corona Garza

By: *Alyssa Iglesias*  
**ALYSSA IGLESIAS**  
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Attorney in Charge for the United States

**CERTIFICATE OF SERVICE**

I, do hereby certify that on this 26th day of August 2021, a copy of the foregoing was served via the District ECF system on all counsel of record and by regular mail to all other parties.

By: *Alyssa Iglesias*  
**ALYSSA IGLESIAS**  
Assistant United States Attorney